REMARKS

Applicant hereby responds to the Final Action of November 29, 2005, in the above-referenced patent application. Claims 1-24 are pending in the patent application.

At the outset, Applicant notes that in this Final Action the Examiner states that claims 1-23 were most recently rejected under 35 USC 102(b) as being anticipated by USPN 5,432,558 to Kim, and that the rejections over Kim have been withdrawn in view of arguments by Applicant (Applicant hereby further respectfully traverses all of the Examiner's arguments in relation to relevance of Kim to the claimed invention herein). However, the Examiner now states that the original rejections over USPN 5,585,838 to Lawler have been reasserted (even though the Examiner deemed them as overcoming such rejections previously). The Examiner has then issued this final rejection. Applicant left voice messages for the Examiner on January 6, 2006 and again on January 13, 2006, requesting withdrawal of the finality of the rejection so that Applicant can properly respond. In a phone conversation with the Examiner on January 18, 2006, the Examiner asked that such a request be placed in the response to the Final Action. The Examiner has entered the final rejection which does not provide Applicant a chance to respond to the following: the Examiner's rejections, the re-assertion of rejections, further arguments by the Examiner in favor of these rejections, etc. Applicant respectfully requests that if the claims are

one again rejected, the finality of the rejections be withdrawn so that Applicant can properly respond.

In the Final Action, Claims 1-24 were rejected under 25 USC 102(b) as being anticipated by USPN 5,585,838 to Lawler at al (hereinafter "Lawler"). Rejection of Claims 1-24 as being anticipated by Lawler is respectfully traversed because, for at least the following reasons, Lawler does not disclose all of the claimed limitations.

Regarding Claim 1, it is respectfully submitted that Lawler does not disclose a receiver for a digital video service network, comprising: "means for receiving a digital television signal from a transmission channel, the digital television signal including a Preview Program and Broadcasting Schedule Information, the Preview Program and the Broadcasting Schedule Information relating to a Main Program," as required by Claim 1. According to the claimed invention, the digital television signal received by the receiver includes both a Preview Program and Broadcasting Schedule Information. As such, the Broadcasting Schedule Information is delivered to the means for receiving a digital television signal simultaneously with the Preview Program. Lawler col. 5, lines 3-36 and col. 10, lines 42-56 (relied on by the Examiner), does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview Program.

Even if Lawler discloses a preview program and a broadcast schedule, according to

Lawler the preview program is not delivered along with the broadcast schedule. Applicant

respectfully disagrees with the Examiner's interpretation of Fig. 3 of Lawler, wherein the

Examiner states on page 3, second paragraph, of the Office Action:

> "On the contrary, the Examiner points out that the Broadcasting Schedule
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> Information consists of the program time information in the grid 80 and the
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> program description 114, which is displayed in the program summary panel 108
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> simultaneously with the preview window 110. Therefore, the Lawler reference
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> still reads on the claim language in the regard that the *program description 114*
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> *and the preview video clip being displayed in the preview window 110 are*
>
> *delivered and displayed simultaneously.* The program description information
>
> 114 may be obtained from the electronic guide data servers 34 and video clips
>
> may be obtained from the continuous media servers [col. 10, lined 42-56]".
>
> (emphasis added).

In the above-quoted passage from the Office Action, the Examiner interprets Lawler as:

(1) program time information in grid 80 and the program description 114, is the claimed

Broadcasting Schedule Information, (2) Lawler's preview window 110 is the claimed Preview

Program, (3) the program description 114 and the preview video clip being displayed in the

preview window 110 are delivered and displayed simultaneously, based on which interpretations

that the Examiner concluded that Lawler anticipates Claim 1. Applicant respectfully traverses

such interpretations and conclusions by the Examiner. Even if the above-mentioned

interpretations (1) through (3) by the Examiner are correct (which Applicant traverses), there is

no disclosure in Lawler that the program description 114 and the preview video clip being

displayed in the preview window 110 are *delivered* simultaneously. The Examiner has not show

where such disclosure is made in Lawler.

Indeed, in col. 10, lines 27-33 and lines 49-52, Lawler specifically describes that the

program information in the illustrated program summary panel 108 (Fig. 3), which includes

preview 110, is obtained upon request of the interactive station controller 18 from the head end

12. As such, the preview program 110 is not delivered to the station controller 18 along with the

information in the program time information in the grid 80 (which the Examiner terms broadcast

schedule information). Therefore, Lawler does not disclose said claimed limitations.

Further, Lawler does not disclose: "means for downloading the Broadcasting Schedule

Information while the Preview Program is being decoded and displayed," as required by Claim 1.

In col. 8, lines 26-30 (relied on by the Examiner), Lawler simply mentions that in generating the

program time guide, the interactive station controller 18 can receive input from the input device

22, can obtain information from the head end 12, and can utilize information stored in the

memory system 60 at the interactive station controller. Moreover, as discussed, in col. 10, lines

42-56 (relied on by the Examiner), Lawler states that the program information in the illustrated

program summary panel 108 which includes preview 110, is obtained upon request of the

interactive station controller 18 from the head end 12. Therefore, Lawler first puts the program

grid 80 together and displays it, and thereafter, upon request images for preview in the window

110 is obtained. As such, there is no disclosure in Lawler about downloading Broadcasting

Schedule Information *while* Preview Program is being decoded and displayed, as claimed. For at

least these reasons, Applicants believe that Claim 1 is patentably distinct from Lawler. Further,

for at least these reasons all claims dependent from Claim 1 are patentably distinct from Lawler.

Regarding Claim 3, Lawler col. 6, lines 54-63 and col. 10, lines 42-56 (relied on by the

Examiner) do not disclose that: "the means for decoding the digital television signal includes a

TS demultiplexer for demultiplexing and outputting a signal representative of the Preview

Program," as required by Claim 3. As discussed, Lawler's receiver does not receive a digital

signal that includes both program broadcast information and program preview information, as

claimed (i.e., in Lawler, the program preview information is sent to the controller 18 by request,

separate from and after the program information is sent). As such, there is no component in

Lawler for demultiplexing and outputting a signal representative of the Preview Program. Nor is

there any need for such a component since any program preview information is not multiplexed,

and sent, with Broadcasting Schedule Information.

Regarding Claim 4, Lawler col. 8, lines 27-31 (relied on by the Examiner), or elsewhere,

does not disclose that: "the TS demultiplexer outputs the Broadcasting Schedule Information," as

required by Claim 4. As discussed in relation to Claim 3, there is no component in Lawler for

demultiplexing and outputting a signal representative of the Preview Program. In addition, there

is no disclosure in Lawler that the station controller 18 includes a demultiplexer that

demuliplexes the received digital signal, and outputs Broadcasting Schedule Information. Nor is

there a need for a component in Lawler since any program preview information is not

multiplexed, and sent, with Broadcasting Schedule Information.

Regarding Claim 5, Lawler col. 7, lines 52-65 (relied on by the Examiner) does not

disclose: "a System and Schedule Manager for controlling the means for decoding, the System

Manager further directing a data stream flow of data from the digital television signal," as

required by Claim 5. As described in col. 7, lines 52-65 of Lawler, the CPU 58 in Fig. 2 controls

the graphics subsystem 62 to form graphics images, and a video processor subsystem 63 that

provides control in generating and displaying video images. The CPU 58 does not control

decoding, nor does the CPU 58 direct stream flow of data from the digital television signal.

In col. 7, lines 45-51 (relied on by the Examiner), Lawler mentions that: "A central

processing unit (CPU) 58 in conjunction with a memory system 60 controls operation of the

interactive station controller 18. For example, the CPU 58 controls selection of analog-based

programming, digital-based programming or applications delivered from the head end 12,

accesses or activates selected applications, or delivers information to or requests information

from the head end 12." However, despite the Examiner's interpretations, Lawler does not

disclose that the CPU 58 controls a decoder in the station controller 18. Nor does the CPU 58

direct a data stream flow of data from the digital television signal, as claimed. Selection of analog/digital programming or application is not decoding, as claimed. Rather, the CPU 58 simply controls the graphics subsystems 62 and 63 in displaying images. The Examiner is improperly reading information into Lawler that is not there, and contrary to explicit teachings of Lawler. For example, where does Lawler state that CPU 58 controls decoding or data flow?

Regarding Claim 7, Lawler does not disclose Application decoders for decoding audio and video coded bit streams of the Preview Program or the Main Program, the Audio/Video decoders sending an Audio output signal for transducing into sound and a decoded video signal for processing and display, as claimed. According to Lawler, the video decoder 54 (relied on by the Examiner) functions as a digital equivalent of demodulator 50 for selecting one or more of multiple digital video signals present at input 48 (col. 7, lines 35-37). There is no disclosure in Lawler that video decoder 54 decodes audio and video coded bit streams, as claimed.

Further, Lawler's video processor subsystem 63 only provides control in generating and displaying video images. Lawler never discloses that subsystem 63 is for "decoding audio and video coded bit streams," as required by claim 7. Subsystem 63 is simply not a decoder as the Examiner interprets it. Further, there is no disclosure that subsystem 63 has anything to do with audio or decoding audio. Nor does subsystem 63 provides a function of "sending an Audio output signal for transducing into sound and a decoded video signal for processing and display," as required by Claim 7. As Lawler specifies, Subsystem 63 is a video processor not a decoder or

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an audio decoder.

      When Lawler itself says nothing about decoding as claimed herein, the Examiner

improperly reads information into Lawler, stating that since Lawler mentions MPEG-2 signals

(col. 5, line 32), then the decoder and subsystem anticipate the claimed limitations. This is

respectfully traversed. Simple mention of MPEG-2 does not disclose that Lawler's decoder 54 or

subsystem 63 are Application decoders for decoding audio and video coded bit streams of the

Preview Program or the Main Program, the Audio/Video decoders sending an Audio output

signal for transducing into sound and a decoded video signal for processing and display, as

claimed. The Examiner has failed to meet the burden of showing disclosure of the claimed

limitations by Lawler in a clear concise fashion, and instead relies on assumptions. The entire

line of reasoning by the Examiner is based on assumptions and conclusions, rather than clear

teachings in Lawler. If Lawler indeed teaches the claimed limitations, why is Examiner relying

on interpretations and assumptions rather than specific disclosure in Lawler that discloses the

claimed limitations?

      Regarding Claim 8, Lawler does not disclose a means for generating an icon to overlay

the video output of the decoded video signal during display, as claimed. In col. 7, lines 52-65

(and Figs. 7-9), relied on by the Examiner, Lawler does not disclose a receiver that includes a

means for generating an icon to overlay the video output of the decoded video signal during

display. Subsystem 62 in Lawler form graphics images, including user interface displays, on the

video display 20. In col. 7, lines 57-65, Lawler states that the mixer 64 receives the

programming or applications signals received from the central head end 12 or CPU 58, graphics

image signals from graphics subsystem 62, and video image signals from the video processor

subsystem 63 and delivers a mixed image signal to video display set 20. Wherein mixing may

include compositing, blending, and masking of image sources such as digital video, analog video,

locally generated graphics and various overlays and bitmap images.

Despite the Examiner's interpretation, there is simply no language or disclosure in Lawler

that in any way states that the mixer 64 generates an *icon* for overlaying the video output of the

decoded video signal during display, as claimed. Any icons in Figs. 7-9, are not generated by the

mixer 64, and are not generated in the station controller 18. Where does Lawler disclose such

limitations? The Examiner is improperly reading information into Lawler that is not there.

Regarding Claim 10, Lawler does not disclose a Schedule Queue, the Schedule Queue

receiving at least the start time of the Broadcasting Schedule Information, the start time being

compared with a system clock to determine when to have control signals sent to instruct the

receiver to process the Main Program, as claimed. The Examiner once again relies on

assumptions and inherency arguments to improperly read information into Lawler that is not

there.

Lawler col. 14, lines 30-48, Fig. 8 (relied on by the Examiner) does not disclose The

Examiner admits that Lawler does not specify a schedule queue, but goes on to assume it as

inherent in Lawler in order to reject this claim. Applicant submits that the Examiner has not met

his burden in providing specific disclosure of such teachings. Despite the Examiner's

assumptions, there is no *requirement* that Lawler use a "queue" for storing requests. Why is a

queue inherent or required in Lawler. Applicant respectfully requests that the Examiner provide

support for his interpretations of Lawler. The "future program options menu" mentioned by the

Examiner does not disclose a schedule queue that receives and stores the "start time of the

Broadcasting Schedule Information," as claimed. Why is a queue needed to support the "future

program options menu"?

Regarding Claim 11, Lawler does not disclose a means for notifying a viewer that the

start time is approaching and requesting an instruction as to whether the viewer desires that the

Main Program be recorded or displayed, as claimed. Lawler col. 14, lines 30-48 (relied on by the

Examiner), does not disclose such limitations. There is no disclosure in Lawler of a component

that requests instructions for recording or displaying a program. The Examiner interprets

Lawler's mention of "record the show when it becomes available", to teach the claimed

limitations. However, "record the show when it becomes available" is a command to record the

show when there is indication that the show is available, without notifying the user of an

approaching program start time, and without asking whether user wants to view/record the

program. Lawler does not teach the limitations of providing: (1) a notification a viewer that the

start time is approaching and (2) requesting an instruction as to whether the viewer desires that the Main Program be recorded or displayed. The Examiner once again relies on assumptions and inherency arguments to improperly read information into Lawler that is not there. The Examiner has not met his burden in rejecting this claim.

Regarding Claim 12, Lawler does not disclose that means for notifying provides an instruction to record if the viewer does not input any instruction within a predetermined time, as claimed. The Examiner interprets Lawler's mention of "record the show when it becomes available", to teach the claimed limitations. However, "record the show when it becomes available" is a command to record the show when there is indication that the show is available, without providing an instruction to record if the viewer does not input any instruction within a predetermined time. There is no provision in Lawler to wait for user input decision before recording. In col. 14, lines 30-48, Lawler does not disclose the claimed limitations. There is no disclosure in Lawler of a component that requests instructions for recording or displaying a program. There is no component in Lawler that provides an instruction to record if the viewer does not input any instruction within a predetermined time. The Examiner has not met his burden in rejecting this claim.

Regarding Claim 13, as discussed in relation to Claim 1, Lawler does not disclose that the digital television signal received by the receiver includes both a Preview Program and Broadcasting Schedule Information, as claimed. Lawler does not disclose that a Broadcasting

Schedule Information is delivered to a receiver simultaneously with the Preview Program.

Accordingly, there is no disclosure, nor a any need, in Lawler of: "embedding the Broadcasting

Schedule Information into the MPEG-2 signal such that the Broadcasting Schedule Information

will be received by a digital television receiver while the Preview Program is being decoded by

the digital television receiver," as required by Claim 13. In col. 10, lines 42-56, Lawler states

that the program information in the illustrated program summary panel 108 which includes

preview 110 is obtained upon request of the interactive station controller 18 from the head end

12. As such, Claim 13 and all claims dependent therefrom should be allowed.

Regarding Claim 14, Lawler does not disclose coding a notice into the MPEG-2 signal,

the notice being applied by the receiver in such a manner to inform the viewer that they are

receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting

Schedule Information, as claimed. As discussed above Lawler does not disclose receiving an

MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule

Information. Further, there is no disclosure in Lawler (col. 10, lines 27-40 or col. 14, lines 30-

49), of coding a notice into the MPEG-2 signal, the notice being applied by the receiver in such a

manner to inform the viewer that they are receiving an MPEG-2 signal. The Examiner assumes

that the summary panel 108 and description information 114 is delivered via MPEG-2. Where

does Lawler require that, and how is that of any relevance to the claimed limitations? The

Examiner has not met his burden in showing where such limitations are specifically disclosed in

Lawler for this 35 USC 102(b) rejection of Claim 14 where every limitation of the claims must

be shown to be disclosed in Lawler.

Regarding Claim 15, Lawler does not disclose that the notice is an icon simultaneously displayed with the Preview Program. The Examiner states that Fig. 8 displays a window 110 and buttons 130, 140. The Examiner has not explained how buttons 130, 140 or window 110, teach a notice icon coded into the MPEG-2 signal, to inform the viewer that they are receiving an MPEG-2 signal, such that the icon is simultaneously displayed with the Preview Program.

In col. 10, lines 27-40 and col. 14, lines 30-49, Lawler does not disclose that the notice is an icon simultaneously displayed with the Preview Program. The Examiner has not met his burden in showing where Lawler discusses an icon in the MPEG-2 signal, being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule Information, as claimed. The Examiner has not met his burden in showing where such limitations are specifically disclosed in Lawler for this 35 USC 102(b) rejection of Claim 15 where every limitation of the claims must be shown to be disclosed in Lawler.

Regarding Claim 16, as discussed in relation to Claims 1 and 13, Lawler does not disclose that the digital television signal received by the receiver includes both a Preview Program and Broadcasting Schedule Information, as claimed. Lawler does not disclose that a Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview

Program. Accordingly, there is no disclosure, nor a any need, in Lawler of: "a Preview Program

coded within the MPEG-2 signal, the Preview Program relating to a Main Program;

Broadcasting Schedule Information embedded within the MPEG-2 signal, the Broadcasting

Schedule Information relating to the Main Program; the Broadcasting Schedule Information

being embedded into the MPEG-2 signal such that the Broadcasting Schedule Information will

be received by a digital television receiver while the Preview Program is being decoded by the

digital television receiver," as required by Claim 16. In col. 10, lines 42-56, Lawler states that

the program information in the illustrated program summary panel 108 which includes preview

110, is obtained upon request of the interactive station controller 18 from the head end 12. As

such, Claim 16 and all claims dependent therefrom should be allowed.

Regarding Claim 17, for at least the reasons discussed in relation to Claim 14, Lawler

does not disclose the limitations of Claim 17.

Regarding Claim 18, for at least the reasons discussed in relation to Claim 15, Lawler

does not disclose the limitations of Claim 18.

Regarding Claim 19, for at least the reasons discussed above in relation to Claims 1 and

13, Lawler does not disclose that the digital television signal includes both a Preview Program

and Broadcasting Schedule Information, as claimed. Lawler does not disclose that a

Broadcasting Schedule Information is delivered to a receiver simultaneously with the Preview

Program. For at least these reasons, rejection of Claim 19 and all claims dependent therefrom

should be withdrawn.

Information Disclosure Statement

On January 18, 2006, a telephone call was placed to Examiner Michael Shannon

regarding the IDS not being considered until copies of cited references (Haskell text book and

ISO/IEC publication) were submitted. It was explained to the Examiner that the Haskell

reference is a text book providing overall general knowledge of invention and that is why a hard

copy of reference was not submitted. The Examiner was asked what steps should be taken to

have the Haskell reference considered. The Examiner indicated he would check the Patent

Office library for the textbook today, and let Applicant know if the Patent Office library does not

have the textbook, and ask applicant to provide a copy of the book cover and a copy of the

citation page (copyright information) in the response to the next issued Office Action.

Applicant further inquired as to why the ISO/IEC reference had not been considered since

the 160 page ISO/IEC document was provided to the PTO. The Examiner confirmed that

ISO/IEC document was received and was unsure of why it was not considered, and should have

been considered.

Applicant respectfully requests clarification in these IDS related issues so that the

Examiner can provide whatever is needed to the satisfaction of the Patent Office.

CONCLUSION

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. A duplicate copy of this page is enclosed for this purpose.

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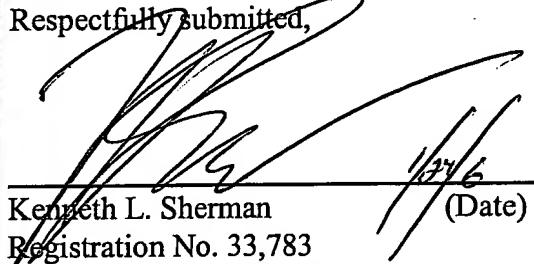   January _24_ , 2006.

By: Sarah A. Nielsen

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Signature

January 24, 2006

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Respectfully submitted,

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